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2
3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

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6 GRACE A. ALBANESE,

7 Plaintiff,

8 v.

9 HOMELAND SECURITY OF U.S.,

10 Defendant.
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Case No. 2:21-cv-01049-APG-DJA

REPORT AND RECOMMENDATION

12 Plaintiff brings this case *pro se* and seeks to proceed *in forma pauperis*. (ECF No. 1).
13 This Court has previously found that Plaintiff is a vexatious litigant. *See Albanese v. Fed. Bureau*
14 *of Investigation*, 2017 WL 3191504, at *2 (D. Nev. July 27, 2017). Plaintiff therefore “is
15 enjoined and prohibited from filing any new complaint, petition, or other action in this court
16 without first obtaining leave from the Chief Judge of this court.” *Id.* Plaintiff failed to obtain
17 leave from the Chief Judge of this Court before commencing the instant action. *See* Docket.

18 Accordingly, the undersigned **RECOMMENDS** that Plaintiff’s complaint be
19 **DISMISSED** without prejudice to Plaintiff filing her complaint in a new case if she first obtains
20 leave from the Chief Judge of this Court. The undersigned further **RECOMMENDS** that
21 Plaintiff’s application to proceed in forma pauperis (ECF No. 1) be **DENIED** as moot and that
22 this case be **CLOSED**.

23 **NOTICE**

24 This report and recommendation is submitted to the United States district judge assigned
25 to this case under 28 U.S.C. § 636(b)(1). A party who objects to this report and recommendation
26 may file a written objection supported by points and authorities within fourteen days of being
27 served with this report and recommendation. Local Rule IB 3-2(a). Failure to file a timely
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1 objection may waive the right to appeal the district court's order. *Martinez v. Ylst*, 951 F.2d
2 1153, 1157 (9th Cir. 1991).

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4 DATED: June 8, 2021

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6 DANIEL J. ALBREGTS
7 UNITED STATES MAGISTRATE JUDGE
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